Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – IHW and MSW (Used Oil)

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Southern Enterprises of Envirocare, 1551 Old Moody Road, Eddy, McLennan County

Type of Operation:

Paint recycling facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda.

Texas Register Publication Date: October 2, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$70,275

Amount Deferred for Expedited Settlement: \$14,055 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,585 **Total Due to General Revenue:** \$54,635

Payment Plan: 35 payments of \$1,561 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified Site/RN - Unclassified

Major Source: Yes (IHW)

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): September 24, 2013

Complaint Information: Alleged there were spilled chemicals on the ground and

poor housekeeping issues.

Date(s) of Investigation: November 20, 2013

Date(s) of NOE(s): January 10, 2014

Violation Information

- 1. Failed to label used oil containers clearly with the words "Used Oil." Specifically, three totes and ten drums containing used oil were not labeled [30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations ("CFR") § 279.22(c)(1)].
- 2. Failed to perform response action upon detection of a release of used oil. Specifically, used oil was discharged on the shop floor from three totes [30 Tex. Admin. Code § 324.15, Tex. Health & Safety Code § 371.041 and 40 CFR § 279.22(d)].
- 3. Failed to comply with prohibition requirements to collect, transport, store, burn, market, recycle, process, use, discharge, or dispose of used oil in any manner that endangers the public health or welfare of the environment. Specifically, ten drums and three totes containing used oil were open [30 Tex. Admin. Code § 324.4(1)].
- 4. Failed to keep containers holding paint or paint-related waste closed, except when adding or removing waste. Specifically, 20 drums containing paint waste were open [30 Tex. Admin. Code § 335.262(c)(2)(A) and 40 CFR § 265.173(a)].
- 5. Failed to properly contain paint or paint-related waste in a container that is structurally sound, compatible with the waste, and that lacks evidence of leakage, spillage, or damage. Specifically, ten containers were cut open and used as trays to hold waste [30 Tex. Admin. Code § 335.262(c)(2)(B)].
- 6. Failed to label universal waste containers with the words "Universal Waste-Paint and Paint-Related Wastes." Specifically, three drums containing paint waste were not labeled [30 Tex. Admin Code § 335.262(c)(2)(F) and 40 CFR § 273.14].
- 7. Failed to maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. Specifically, adequate aisle space was not provided to allow unobstructed inspection of containerized waste [30 Tex. Admin Code §§ 335.69(a)(4)(A) and 335.112(a)(2) and 40 CFR § 264.35].

- 8. Failed to obtain a hazardous waste storage permit prior to storing hazardous waste at the Facility. Specifically, the Respondent had been storing and processing hazardous waste without a permit [30 Tex. Admin. Code § 335.2(b)].
- 9. Failed to prevent the unauthorized discharge of industrial solid waste at the Facility. Specifically, the investigator noted a discharge inside the Facility's waste accumulation area and outside on the ground [30 Tex. Admin. Code § 335.4(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Labeled all used oil containers with the words "Used Oil" on March 16, 2014;
- b. Conducted cleanup of the oil-contaminated area, removed all contaminated materials from the Facility and disposed of them at an authorized facility on March 16, 2014;
- c. Properly closed the used oil containers on March 16, 2014;
- d. Properly closed paint waste containers on March 16, 2014;
- e. Began containing the paint related waste in structurally sound containers on March 16, 2014;
- f. Labeled the paint waste containers with the words "Universal Waste-Paint and Paint-Related Wastes" on March 16, 2014;
- g. Provided adequate space for the unobstructed movement of personnel and emergency response equipment on March 16, 2014; and
- h. Cleaned up the discharge inside and outside of the waste accumulation area, collected soil samples and submitted analytical results which indicated that the concentrations of metals and volatiles were below the Toxic Characteristic Leaching Procedure regulatory limits on July 29, 2014.

Technical Requirements:

The Order will require the Respondent to:

a. Immediately, cease storing hazardous waste at the Facility until proper authorization is obtained.

b. Within 30 days:

- i. Remove all hazardous waste stored at the Facility and dispose of it at an authorized facility; or
- ii. Submit an administratively complete permit application in order to authorize storing hazardous waste at the Facility.
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing.
- d. Within 180 days, submit written certification that authorization to store hazardous waste has been obtained or that storage of hazardous waste has ceased until such time that appropriate authorization is obtained.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division,

Enforcement Team 6, MC 169, (512) 239-2576; Melissa Cordell, Enforcement Division,

MC 219, (512) 239-2486

TCEQ SEP Coordinator: N/A

Respondent: Vivian S. Williams, President, ENVIROCARE, INC., 1575 Old Moody

Road, Eddy, Texas 76524

Respondent's Attorney: N/A

Notes

PAYABLE PENALTY

\$54,600

Penalty Calculation Worksheet (PCW)	
Policy Revision 3 (September 2011)	PCW Revision August 3, 2011
DATES Assigned 14-Jan-2014 Screening 16-Jan-2014 EPA Due 18-Jul-2014	
RESPONDENT/FACILITY INFORMATION Respondent ENVIROCARE, INC. dba Southern Enterprises of Envirocare Reg. Ent. Ref. No. RN102918315	
Facility/Site Region 9-Waco Major/Minor Source Major	
CASE INFORMATION Enf./Case ID No. 48384 No. of Violations 6 Docket No. 2014-0372-MLM-E Order Type 1660	
Media Program(s) Industrial and Hazardous Waste Government/Non-Profit No Multi-Media Used Oil Enf. Coordinator Abigail L EC's Team Enforcen	Manager and the second
Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000	
Penalty Calculation Section	
	tal 1 \$75.000
	tal 1 373,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History 0.0% Enhancement Subtotals 2, 3,	. & 7 \$0
The Respondent has submitted one notice of intended audit; however, Notes because a reduction would be below zero, the enhancement defaults to	
zero.	
Culpability No 0.0% Enhancement Subto	tal 4 \$0
	-
Notes The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments Subto	tal 5 -\$6,750
Economic Benefit 0.0% Enhancement* Subto Total EB Amounts \$784 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$13,615	tal 6 \$0
SUM OF SUBTOTALS 1-7 Final Subs	total \$68,250
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Reduces or enhances the Final Subtotal by the indicated percentage.	nent
Notes	
Final Penalty Am	ount \$68,250
STATUTORY LIMIT ADJUSTMENT Final Assessed Per	s68,250
DEFERRAL 20.0% Reduction Adjustn Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	nent -\$13,650

Deferral offered for expedited settlement.

PCW

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Respondent ENVIROCARE, INC. dba Southern Enterprises of E

Case ID No. 48384

Reg. Ent. Reference No. RN102918315

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Abigail Lindsey

Compliance History Worksheet

Component	Number of	Enter Number Here	Aujust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	o	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
4	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	O	0%
- reductive Se	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
peat Violator (And the state of t	t (Cb	4-4-4 3) [
No.		centage (Sub	totai 3) [
	ory Person Classification (Subtotal 7)		
Unclass	Adjustment Per	centage (Sub	total 7)
mpliance Histo	ory Summary		
Compliance History Notes	The Respondent has submitted one notice of intended audit; however, because a position be below zero, the enhancement defaults to zero.	reduction would	
	Total Compliance History Adjustment Percentage (S	<u> </u>	

Screening Date		et No. 2014-0372-MLM-E	PCW
Kespondent Case ID No.	NVIROCARE, INC. dba Southern Enterprise:	s or envirocare Palia	y Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.			. C.r herision August 3, 2011
	ndustrial and Hazardous Waste		
Enf. Coordinator			
Violation Number			
Rule Cite(s)	30 Tex. Admin. Code § 335.262(c)(2)(A)		ns
THE STATE OF THE S	("CFR") § 265	5.173(a)	
	Failed to keep containers holding paint or pa		
Violation Description	adding or removing waste. Specifically, 2		ere
	er de la latera de la companio de l La companio de la co		
		Base Pe	nalty \$25,000
		233.0	γ25,000
>> Environmental, Proper	y and Human Health Matrix		
Release	Harm Major Moderate Minor		MAN CONTRACTOR OF CONTRACTOR O
OR Actual	Hajor Hoderate Hindi		200
Potential		Percent 30.0%	100
>>Programmatic Matrix Falsification	Major Moderate Minor		
Faisincation	Trajor Proderate Printor	Percent 0.0%	
<u> </u>			
Matrix Wilmon horith	r the environment will or could be exposed	to pollutante which would avead	
100000000000000000000000000000000000000	tective of human health or environmental re		
		Adjustment \$1	7,500
		Adjustine it is a first of the	,,500 ₁
			\$7,500
Violation Events			
Number of N	olation Events 2	57 Number of violation days	
	4-3113		***************************************
-	daily eekly		***************************************
	monthly x		
mark only one with an х	quarterly	Violation Base Per	nalty \$15,000
	semiannual		977777
	annual		
	single event		
i we monthly	vents are recommended from the November 16, 2014 screening dat		uary
Good Faith Efforts to Com	y 10.0% Reduction		\$1,500
	Before NOV NOV to EDPRP/Sett	tlement Offer	42/500
	xtraordinary xtraordinary		
	Ordinary x		
	N/A (mark with x)		
	The Respondent came into Notes 2014, after the Notice of Er		
	Notes 2014, after the Notice of Er January 1		
		Violation Sub	total \$13,500
		Charles and the line #44	•
Economic Benefit (EB) for	ns violation	Statutory Limit Tes	i t
Estimate	EB Amount \$2	Violation Final Penalty 1	otal \$13,500
Total Control	This violation Final Ass	essed Penalty (adjusted for lin	nits) \$13,500
	rins violation rildi ASS	essea renany (aujusteu 101 IIII	may[\$13,300]

		conomic	Benefit	WO	rksneet		
Respondent	ENVIROCARE,	INC. dba Souther	n Enterprises o	of Enviro	ocare		
Case ID No.	48384						
lea. Ent. Reference No.	RN102918315						
Media	Industrial and	Hazardous Waste					Years of
Violation No.						Percent Interest	Depreciation
violation ito.	*					5.0	. 15
	Item Cost	Date Required	Final Date	۷rc	Interest Saved	Onetime Costs	EB Amount
Item Description						J.1.1	
ttem bescription	NO COMMAS OF ≱						
Delayed Costs							
Equipment		I consideration of the		0.00	\$0	\$0	\$0
Buildings		†i		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Domodintion / Dicases		1	elektrik partition kan partition ara partition ara de la colonia de la 	1 0 00			Control of the Contro
Remediation/Disposal	F(14, 1)	of content of the con		0.00	· \$0	n/a	\$0
Permit Costs				0.00	+ \$0 \$0	n/a n/a	\$0 \$0
	\$100	20-Nov-2013		0.00	\$0 \$2	n/a n/a	\$0 \$2
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0.32 contai the fina	\$0 \$2 ners (\$5.00 per conf	n/a n/a ontainter). The date oliance date.	\$0 \$2 required is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0.32 contai the fina	\$0 \$2 ners (\$5.00 per coll date is the comp og item (except	n/a n/a ontainter). The date iliance date. for one-time avoid	\$0 \$2 required is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0.32 contai the fina enterir	\$0 \$2 ners (\$5.00 per coll date is the comp ng item (except \$0	n/a n/a ontainter). The date iliance date. for one-time avoid \$0	\$0 \$2 required is the led costs) \$0
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0.32 contain the fina enterir 0.00 0.00	\$0 \$2 mers (\$5.00 per coll date is the comp ng item (except \$0 \$0	n/a n/a n/a n/a ontainter). The date iliance date. for one-time avoid \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0,32 contai the fina enterir 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co of date is the comp ing item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a nntainter). The date eliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the ded costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0.32 contai the fina 0.00 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co il date is the comp ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a nntainter). The date liance date. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	t to properly close investiga	20 paint waste ition date, and	enterin 0.00 0.32 contain the final 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co of date is the comp ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a nntainter). The date sliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to properly close investiga	20 paint waste ition date, and	0.00 0.32 contai the fina 0.00 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co il date is the comp ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a nntainter). The date liance date. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	t to properly close investiga	20 paint waste ition date, and	enterin 0.00 0.32 contain the final 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co of date is the comp ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a nntainter). The date sliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	t to properly close investiga	20 paint waste ition date, and	enterin 0.00 0.32 contain the final 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co of date is the comp ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a nntainter). The date sliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	t to properly close investiga	20 paint waste ition date, and	enterin 0.00 0.32 contain the final 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$2 ners (\$5.00 per co of date is the comp ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a nntainter). The date sliance date. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 required is the led costs) \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
	·	Policy Revision 3 (September 2011)
Case ID No.		PCW Revision August 3, 2011
Reg. Ent. Reference No.		
	Industrial and Hazardous Waste	
Enf. Coordinator		
Violation Number	22	randor da
Rule Cite(s)	30 Tex. Admin. Code § 335.262(c)(2)(B)	
Violation Description	Failed to properly contain paint or paint-related waste in a container the structurally sound, compatible with the waste, and that lacks evidence of lessillage, or damage. Specifically, ten containers were cut open and used as hold waste.	eakage,
	Base	Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
OR Actual Potential		
, occida	15.070	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 0.0%	
THE STATE OF THE S		
	h or the environment will or could be exposed to pollutants which would not	
Notes levels that ar	e protective of human health or environmental receptors as a result of the vi	olation.
<u>Liui i i i i i i i i i i i i i i i i i i</u>		التستسسف
	Adjustment	\$21,250
		\$3,750
Violation Events		
		318888888888888888
Number of '	Violation Events 10 57 Number of violation do	ays
•		
	daily	
	weekly	
mark only one	monthly quarterly Violation Base	Penalty \$37,500
with an x	quarterly Violation Base semiannual	337,300
	annual	
	single event X	
	None and the second sec	
	Ten single events (one for each container) are recommended.	
		<u> </u>
Good Faith Efforts to Com	ply 10.0% Reduction	\$3,750
	Before NOV NOV to EDPRP/Settlement Offer	3333383333333333
	Extraordinary	
	Ordinary x	III
	N/A (mark with x)	
	The Respondent came into compliance on March 16,	
	Notes 2014, after the NOE dated January 10, 2014.	
		3
	Violation C	ubtotal 622 750
	Violation S	Subtotal \$33,750
Economic Benefit (EB) for		34444534444444444444444444444444444444
Economic Benefit (EB) for	this violation Statutory Limit 1	Test
		est
	this violation Statutory Limit 1 ed EB Amount \$8 Violation Final Penals	rest \$33,750
	this violation Statutory Limit 1	rest \$33,750

	E	conomic	Benefit	Wo	rksheet		
Respondent	ENVIROCARE,	INC. dba Souther	n Enterprises o	f Envir	ocare		***********************
Case ID No.	48384		·				
Reg. Ent. Reference No.	RN102918315	•					
		Hazardous Waste					Years of
Violation No.						Percent Interest	Depreciation
riolation no.	-					5.0	15
	******	Nata Namidani	Final Baka		T-1	Onetime Costs	EB Amount
		Date Required	rinai Date	TIS	Interest Saveu	Onetime Costs	EB AMOUNT
Item Description	No commas or \$						
				H-1811-145-157-171-1			
Delayed Costs		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		1		r	
Equipment		-		0.00	<u>\$0</u>	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Engineering/construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land			**********	0.00	\$0 \$0	∌0 n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Nov-2013	16-Mar-2014	0.32	\$8	n/a	\$8
Notes for DELAYED costs		investiga	tion date, and	the fina	ol date is the comp		
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal		<u> </u>		0.00	<u>\$0</u>	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
nspection/Reporting/Sampling Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500			TOTAL		\$8

PCW on 3 (September 2011) Revision August 3, 2011	ENVIROCARE, INC. dba Southern Enterprises of Envirocare Policy Revisi 48384 RN102918315	Case ID No. g. Ent. Reference No.	Reg
		Media [Statute] Enf. Coordinator Violation Number Rule Cite(s)	
	30 Tex. Admin Code § 335.262(c)(2)(F) and 40 CFR § 273.14	Rule Cite(s)	
	Failed to label universal waste containers with the words "Universal Waste-Paint and Paint-Related Wastes". Specifically, three drums containing paint waste were not labeled.	Violation Description	
\$25,000	Base Penalty		
A CONTRACTOR OF THE CONTRACTOR	ty and Human Health Matrix Harm	nvironmental, Proper	>> Er
en haber eller ell	Major Moderate Minor	Release Actual	OR
	Percent 0.0%	Potential	
		ogrammatic Matrix	>> P ri
	Major Moderate Minor x Percent 15.0%	Falsification	
W	100% of the rule requirement was not met.	Matrix Notes	
		<u> </u>	
40.750	Adjustment \$21,250		
\$3,750			
		tion Events	Violat
TO THE PARTY OF TH	Violation Events 2 57 Number of violation days	Number of \	
\$7,500	daily weekly monthly quarterly semiannual annual single event	mark only one with an x	пининининининининининининининининининин
	events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date.	Two monthly	
\$750	Diy 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary X	Faith Efforts to Com	Good
	N/A (mark with x) The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014.		
\$6,750	Violation Subtotal		
	this violation Statutory Limit Test	omic Benefit (EB) for	Econo
\$6,750	ed EB Amount \$0 Violation Final Penalty Total		
\$6,750	This violation Final Assessed Penalty (adjusted for limits)		

	E	conomic I	Benefit	Wo	rksheet		
Respondent	ENVIROCARE,	INC. dba Souther	n Enterprises o	f Envir	ocare		
Case ID No.			•				
Reg. Ent. Reference No.							
		Hazardous Waste					Years of
Violation No.		Tidzai adas Trasce				Percent Interest	Depreciation
Violation ivo.	3					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
ा । तर्मा मान मान मान मान मान मान स्थान कर स्थान कर देव हरू विश्व कर के के के के के के के के किया है । मान मान विभाग कर के के मान				91771171171171191941			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15	20-Nov-2013	16-Mar~2014	0.32	\$0	n/a	\$0
Notes for DELAYED costs	Related Was	tes". The date re	quired is the in	vestiga	tion date, and the	"Universal Waste-P final date is the con	npliance date.
Avoided Costs	AISINUAL	rer [1] avoided	custs before	0.00	sg item (except \$0	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.00	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0	\$0
Notes for AVOIDED costs				H U.VV			
Approx. Cost of Compliance		\$15			TOTAL		\$0

PCW	creening Date 16-Jan-2014 Docket No. 2014-0372-MLM-E	Si
on 3 (September 2011) Levision August 3, 2011	## ##	
3	Reference No. RN102918315	Reg. Ent. I
	edia [Statute] Industrial and Hazardous Waste	
	If. Coordinator Abigail Lindsey Violation Number 4	
	Rule Cite(s) 30 Tex. Admin Code §§ 335.69(a)(4)(A) and 335.112(a)(2) and 40 CFR § 264.35	•
	Failed to maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. Specifically, adequate aisle space was not provided to allow unobstructed inspection of containerized waste.	Viola
\$25,000	Base Penalty	
n unional market and a second	mental, Property and Human Health Matrix	>> Environr
	Harm	
	Release Major Moderate Minor Actual	or
	Potential X Percent 15.0%	
	matic Matrix	>>Programi
	Falsification Major Moderate Minor	riogramii
	Percent 0.0%	
	. Human health or the environment will or could be exposed to significant amounts of pollutants	
	which would not exceed levels that are protective of human health or environmental receptors as a	Matr Note
	result of the violation.	Note
	Adjustment \$21,250	
\$3,750		
	ents	Violation Ev
	Number of Violation Events 1 57 Number of violation days	
90	Trainber of Floration Events (Line 1997)	
\$3,750	daily weekly monthly mark only one with an x daily weekly monthly y x Violation Base Penalty	
THE STATE OF THE S	semiannual annual single event	
***************************************	One quarterly event is recommended from the November 20, 2013 investigation to the January 16, 2014 screening date.	
\$375	Efforts to Comply 10.0% Reduction	Good Faith E
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
-	Ordinary	
YII DIIII III II	N/A (mark with x)	
D	Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014.	
\$3,375	Violation Subtotal	
	enefit (EB) for this violation Statutory Limit Test	Fconomic Re
\$3,375	Estimated EB Amount \$8 Violation Final Penalty Total	
\$3,375	This violation Final Assessed Penalty (adjusted for limits)	

	E	conomic I	Benefit	Wo	rksheet		
Respondent	ENVIROCARE,	, INC. dba Souther	n Enterprises o	f Envir	ocare		
Case ID No.	48384						
leg. Ent. Reference No.	RN102918315	5					
		Hazardous Waste					Years of
Violation No.						Percent Interest	Depreciation
Violation ivo.						F.0	
	****** C	Bata Bassiland	Final Date		*	5.0 Onetime Costs	15 EB Amount
		Date Required	rinai Date	TIS	interest Saveu	Onetime Costs	EB Amount
Item Description	I No commas or \$	i					
Delayed Costs		T T		1000	T +0	±0.	<u>+0</u>
Equipment Buildings		1		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Engineering/construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Nov-2013	16-Mar-2014	0.32	\$8	n/a	\$8
•							
Notes for DELAYED costs	Estimated co	st provide adequat	e aisle space fo	or the u	unobstructed move estigation date and	ment of personnel a the final date is the	and emergency
	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	or the u the invo dat	unobstructed move estigation date and te.	ment of personnel a I the final date is the	and emergency e compliance
Avoided Costs	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	r the u he invo dat	unobstructed move estigation date and te. ng item (except	ment of personnel a the final date is the for one-time avoic	and emergency e compliance led costs)
Avoided Costs Disposal	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	or the u the invo dat enterio	inobstructed move estigation date and te. ng item (except \$0	ement of personnel a the final date is the for one-time avoid \$0	and emergency e compliance led costs) \$0
Avoided Costs Disposal Personnel	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	or the under the investment of	unobstructed move estigation date and te. ng item (except	ment of personnel a the final date is the for one-time avoic	and emergency e compliance led costs)
Avoided Costs Disposal Personnel	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	or the u the invo dat enterio	inobstructed move estigation date and te. ng item (except \$0 \$0	ement of personnel a the final date is the for one-time avoic \$0 \$0	e compliance led costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	or the under the investment of	inobstructed move estigation date and te. ng item (except \$0 \$0 \$0 \$0	ement of personnel and the final date is the final date is the for one-time avoid \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ement of personnel at the final date is the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated corresponse e	st provide adequat quipment. The da	e aisle space fo te required is t	nthe under the investment of t	inobstructed move estigation date and te. ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	end emergency e compliance led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		>>>>>>>>>
Case ID No.	ENVIROCARE, INC. dba Southern Enterprises of Envirocare 48384	Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.	RN102918315	
Media [Statute] Enf. Coordinator	Industrial and Hazardous Waste	
Violation Number	Adigati Lindsey	
Rule Cite(s)	30 Tex. Admin. Code § 335.2(b)	
		
	Failed to obtain a hazardous waste storage permit prior to storing hazar	rdous waste
Violation Description	at the Facility. Specifically, the Respondent had been storing and pr	
	hazardous waste without a permit,	
	Ba	ase Penalty \$25,000
>> Environmental, Proper	ry and Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
Potential	Percent 0.09	/ 0
>>Programmatic Matrix		
Falsification	Major Moderate Minor	······································
	X Percent 15.09	6
Matrix Notes	100% of the rule requirement was not met.	
HOCCS		
	Adjustment	\$21,250
		\$3,750
		\$3,/30
Violation Events		
Number of \	iolation Events 2 57 Number of violatio	n days
·	daily weekly	
mark only one	monthly x	
with an x	quarterly Violation Ba	ase Penalty \$7,500
	annual	
	single event Emilian State	
Two monthly	events are recommended from the November 20, 2013 investigation to t 16, 2014 screening date.	he January
Good Faith Efforts to Com	ly 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A X (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
		-
	Violation	on Subtotal \$7,500
Economic Benefit (EB) for	this violation Statutory Lim	it Test
Estimate	d EB Amount \$681 Violation Final Pe	nalty Total \$7,500
	This violation Final Assessed Penalty (adjusted	for limits) \$7,500

	E	conomic l	Benefit	Wo	rksheet		
Respondent	ENVIROCARE,	INC. dba Souther	n Enterprises o	f Envir	ocare		
Case ID No.	48384						
Rea. Ent. Reference No.	RN102918315	,					
Media	Industrial and	Hazardous Waste					Years of
Violation No.	5					Percent Interest	Depreciation
Tiolation no	3					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
Delayed Costs							
Equipment		T T		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	20-Nov-2013	1-Apr-2015	1.36	\$681	n/a	\$681
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs		and ti	ne final date is	the est	imated date of cor	required is the inve- npliance. for one-time avoic	
Disposal				0.00	\$0	\$0	\$0 T
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0 l	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$681

Docket No. 2014-0372-MLM-E PCW	Screening Date 16-Jan-2014
INC. dba Southern Enterprises of Envirocare Policy Revision 3 (September 2011) PCW Revision August 3, 2011	Respondent ENVIROCARE, INC. db: Case ID No. 48384
rew nevision August 3, 2011	Reg. Ent. Reference No. RN102918315
	Media [Statute] Industrial and Hazardo
	Enf. Coordinator Abigall Lindsey Violation Number 6
20 Toy Minio Colo C 225 4/2)	Rule Cite(s)
30 Tex. Admin. Code § 335.4(3)	
nt the unauthorized discharge of industrial solid wastes at the Facility. Ily, the investigator noted a discharge inside the Facility's waste	
accumulation area and outside on the ground.	- 1
Base Penalty \$25,000	***************************************
an Health Matrix Harm	> Environmental, Property and Human He
Moderate Minor	
D	OR Actual
Percent 15.0%	Potential Potential
	>Programmatic Matrix
Moderate Minor Percent 0.0%	Falsification Major Mode
Fercence U.0%	
onment will or could be exposed to significant amounts of pollutants	
s that are protective of human health or environmental receptors as a	Matrix Notes which would not exceed levels that a
result of the violation.	
Adjustment \$21,250	
\$3,750	
\$3,730	
	iolation Events
Number of violation days	Number of Violation Events 1
	daily
	weekly monthly
Violation Base Penalty \$3,750	mark only one
	semiannual annual
	single event
[•
mended from the November 20, 2013 investigation to the January 16,	One quarterly event is recommended
2014 screening date.	
	# are regions of the property was a fact that the fact of the fact
	<u> </u>
10.0% Reduction \$375	
10.0% Reduction \$375 Before NOV NOV to EDPRP/Settlement Offer	50.000 to 50.000
Before NOV NOV to EDPRP/Settlement Offer	Before
Before NOV NOV to EDPRP/Settlement Offer X	Before Extraordinary
Before NOV NOV to EDPRP/Settlement Offer x (mark with x) The Respondent came into compliance on July 29, 2014,	Extraordinary Ordinary N/A The R
Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent came into compliance on July 29, 2014.	Extraordinary Ordinary N/A
Before NOV NOV to EDPRP/Settlement Offer	Extraordinary Ordinary N/A The R
Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent came into compliance on July 29, 2014,	Extraordinary Ordinary N/A The R
Before NOV NOV to EDPRP/Settlement Offer	Extraordinary Ordinary N/A The R
Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent came into compliance on July 29, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$3,375 Statutory Limit Test	Extraordinary Ordinary N/A Notes The R
Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent came into compliance on July 29, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$3,375 \$3,3	Extraordinary Ordinary N/A Notes The Recommond Benefit (EB) for this violation Estimated EB Amount

	E	conomic	Benefit	Wo	rksheet		
Respondent	ENVIROCARE,	INC. dba Souther	n Enterprises o	f Envir	ocare		************************
Case ID No.	48384						
Reg. Ent. Reference No.	RN102918315						
Media	Industrial and	Hazardous Waste				Percent Interest	Years of
Violation No.	6					Percent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				4 74444 744 444 74			*************************
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	20-Nov-2013	29-Jul-2014	0.69	\$69	n/a	\$69
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Nov-2013	29-Jui-2014	0.69	\$17	n/a l	\$17
Notes for DELAYED costs	soil samples a	nnd submit analyti	cal results (\$50 final date	0). The	date required is tompliance date.	ccumulation area (\$ he investigation dal	e, and and the
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	-		for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment	<u></u>			0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		JI		1.0.00	<u> </u>	<u> </u>	50
Notes for AVOIDED costs							

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 14-Jan-2014 EPA Due 18-Jul-2014 Screening 16-Jan-2014 PCW 27-Jun-2014 RESPONDENT/FACILITY INFORMATION Respondent ENVIROCARE, INC. dba Southern Enterprises of Envirocare Reg. Ent. Ref. No. RN102918315 Major/Minor Source Minor Facility/Site Region 9-Waco CASE INFORMATION No. of Violations 3 Enf./Case ID No. 48384 Docket No. 2014-0372-MLM-E Order Type 1660 Media Program(s) Used Oil Government/Non-Profit No Enf. Coordinator Abigail Lindsey Multi-Media Industrial and Hazardous Waste EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum \$0 Maximum \$5,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$2,250 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the enhancement defaults to 0.0% Enhancement Subtotal 4 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$225 0.0% Enhancement* Subtotal 6 Economic Benefit Total EB Amounts *Capped at the Total EB \$ Amount \$18 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$2,025 Final Subtotal

0.0%

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

\$0

\$0

\$0

\$0

\$2,025

\$2,025

-\$405

\$1,620

Adjustment

Adiustment

Final Penalty Amount

Final Assessed Penalty

Reduction

PCW

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Respondent ENVIROCARE, INC. dba Southern Enterprises of E

Case ID No. 48384

Reg. Ent. Reference No. RN102918315

Media [Statute] Used Oil Enf. Coordinator Abigail Lindsey

Compliance History Worksheet

Compone	istory <i>Site</i> Enhancement (Subtotal 2) nt Number of	Enter Number He	re Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as the the current enforcement action (number of NOVs meeting criteria)	ose in 0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number orders meeting criteria)	ber of 0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement without a denial of liability, or default orders of this state or the f government, or any final prohibitory emergency orders issued by the comm	ederal 0	0%
Judgmer	in technical accreces infecting circulary	■ ************************************	0%
and Cons Decree			0%
Conviction	Any criminal convictions of this state or the federal government (<i>numb</i> counts)	per of 0	0%
Emissio	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted und Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legisl 1995 (number of audits for which notices were submitted)		-1%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Privilege Act, 74th Legislature, 1995 (number of audits for which violations disclosed)		0%
		Please Enter Yes or N	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive di under a special assistance program	irector No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or f government environmental requirements	ederal No	0%
		nt Percentage (Su	btotal 2) 0
Repeat Violal	or (Subtotal 3) No Adjustmen	nt Percentage (Su	btotal 3) 0º
Compliance H	istory Person Classification (Subtotal 7)	n , creenage (Sa	
***************************************	\$ 1999 1999 1999 1999 1999 1999 1999 1999 1999 1999 1999 1999 1999 1999 1999 1	nt Percentage (Su	btotal 7) 0%
	istory Summary	creemage (Su	2.3.0.7)07
Complia	Time Respondent has summitted one notice of intended addit nowever, neca	use a reduction would	
Histor Notes	be below zero, the enhancement defaults to zero.		
	Total Compliance History Adjustment Percenta	ge (Subtotals 2,	3, & 7) 0%
and the second and a second and a second according to		a 170 7 ku a sanan 1708 kada dan bangan pada dalah ang dida dida dida katalah dalah katalah katalah katalah katal	A STATE OF THE STA

Screening Date		PCW
Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator	48384	sion 3 (September 2011) Revision August 3, 2011
Violation Number Rule Cite(s)	30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations ("CFR") §	T
Violation Description	Failed to label used oil containers clearly with the words "Used Oil". Specifically, three totes and ten drums containing used oil were not labeled.	
	Base Penalty	\$5,000
>> Environmental, Proper Release OR Actual Potential >> Programmatic Matrix Falsification	Percent 0.0% Major Moderate Minor	
	X Percent 5.0%	a
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment \$4,750	The state of the s
		\$250
Violation Events		Hillian Harris
Number of V	Violation Events 2 57 Number of violation days	***************************************
mark only one with an x	daily weekly monthly quarterly semiannual annual single event	\$500
Two monthly	events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date.	
Good Faith Efforts to Com	Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) The Respondent came into compliance on March 16, Notes 2014, after the Notice of Enforcement ("NOE") dated January 10, 2014.	\$50
	Violation Subtotal	\$450
Economic Benefit (EB) for	this violation Statutory Limit Test	
Estimat	ed EB Amount \$1 Violation Final Penalty Total	\$450
	This violation Final Assessed Penalty (adjusted for limits)	\$450

	E	conomic	Benefit	Wo	rksheet		
Case ID No. eg. Ent. Reference No.	48384 RN102918315	INC. dba Souther	n Enterprises o	f Enviro	ocare	200000000000000000000000000000000000000	
Media Violation No.	Used Oil 1					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$65	20-Nov-2013		0.00	\$0 \$1	n/a n/a	\$0 \$1
Notes for DELAYED costs		16.11.1.11.11.11.11.11.11.11.11.11.11.11			is the compliance	e date required is th date.	C Cougai
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	*****		for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
pection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		11		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
					······································		

Screening Date	the control of the co	PCW
Kespondent Case ID No.		Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.	RN102918315	· · · · · · · · · · · · · · · · · · ·
Media [Statute] Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 324.15, Tex. Health & Safety Code § 371.041 and 4 279.22(d)	0 CFR §
Violation Description	Failed to perform response action upon detection of a release of used of Specifically, used oil was discharged on the shop floor from three totel.	
	Race	Penalty \$5,000
<u> </u>		Felialty \$5,000
>> Environmental, Proper	y and Human Health Matrix Harm	
Release OR Actual	Major Moderate Minor	
Potential	Percent 5.0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0.0%	
<u> </u>		
Matrix I not exceed lev	or the environment has been exposed to insignificant amounts of pollutants v els that are protective of human health or environmental receptors as a resu	
Notes	violation.	
	Adjustment	\$4,750
	,	\$250
		<u> </u>
Violation Events		
Number of \	iolation Events 1 57 Number of violation da	ys
	dally	
	weekly monthly	
mark only one with an x	quarterly Violation Base I	Penalty \$250
	semiannual annual annual	
	single event similarities.	,
One quarte	ly event is recommended from the November 20, 2013 investigation date to	the
	January 16, 2014 screening date.	
Good Faith Efforts to Com	ly 10.0% Reduction	\$25
GOOD PAILITETIONS TO COM	Before NOV NOV to EDPRP/Settlement Offer	\$23
	Extraordinary X	1
	N/A (mark with x)	
	Notes The Respondent came into compliance on March 16,	-
	2014, after the NOE dated January 10, 2014.	HARACA
	Violation St	ubtotal \$225
Economic Benefit (EB) for	this violation Statutory Limit T	est
-	d EB Amount \$16 Violation Final Penalt	
Laumate	2 Section 1 - Control of the Control	
	This violation Final Assessed Penalty (adjusted for	limits) \$225

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	ENVIROCARE, 48384	INC. dba Souther	und versiche sich betreicht er eine erste er eine erste er eine er eine er eine er eine er eine er eine er ein				, esecuted control (155)
Media Violation No.	Used Oil	,				Percent Interest	Years of Depreciation
Violation ivo.	_					5.0	15
	Item Cost	Date Required	Final Date	Vrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
शिक्षा क्षेत्र विकास करते । जिल्लाक स्थापन क्षेत्र के क्षेत्र करते । जिल्लाक स्थापन क्षेत्र के क्षेत्र के क्षे विकास	STATE STATE OF THE			44003034934			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	20-Nov-2013	16-Mar-2014	0.32	\$16	n/a	\$16
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs			n at an authoriz	ed faci	lity. The date requ	e all contaminated i sired is the investiga	4446464444644
Avoided Costs	ANINITAL	T75 [1] avoided			e compliance date.	for one-time avoic	Principal Control
> : : : : : : : : : : : : : : : : : : :	ANNOAL	IZE [I] avoided	COSES DEIOIE	0.00	so so	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment		1		0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,000			TOTAL		\$16

Respondent ENVIROCARE, INC. diba Southern Enterprises of Envirocare Resp. Ent. Reference No. RN102918215 Media (Statute) Used OII Enf. Coordinator August 1.0012 Rule Cite(s) 30 Tex. Admin. Code § 324-4(1) Failed to comply with prohibition requirements to collect, transport, store, burn, market, recycle, process, use, discharge, or dispose of used oil in any manner that anchepers the public health or welfare of the environment. Specifically, ten drums and three totes containing used oil were open. **Notes** **Programmatic Matrix** Release **Major** **Notes** **Programmatic Matrix* Release **Major** **Moderate Minor** **Programmatic Matrix* **Rotes** **Programmatic Matrix* **Programmatic Matrix* **Rotes** **Notes** **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 17, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 10, 2014 screening date. **Two mantity events are recommended from the November 20, 2013 investigation to the January 10, 2014 screening date. **Two mantit	Screening Date		PCW
Reg. Ent. Reference No. RB102918315 Media [Statute] Used Oil Enf. Coordinator Abgall Lindsey Violation Number 3 Rule Cite(s) Violation Description Fased to comply with prohibition requirements to collect, transport, store, burn, market, recycle, process, use, discharge, or dispose of used oil in any manner that endenges the protection and three totals containing used oil were open. Base Penalty \$5,000 SECONOMIC Release Major Moderate Minor Potential X Percent 15.0% Percent 15.0% Percent 0.0% Williams health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Williams Willi			
Media (Statute) Used Oil Enf. Coordinator Appall Lindsey Statutory Sta			Revision August 3, 2011
Section Sect			
Failed to comply with prohibition requirements to collect, transport, store, burn, market, recycle, process, use, discharge, or dispose of used oil in any manner that endangers the public health or wateries of the environment. Specifically, ten drums and three totes containing used oil were open. South			
Violation Description Failed to comply with prohibition requirements to collect, transport, store, burn, market, recycle, process, use, discharge, or dispose of used oil in any manner that andangers the public health or welfare of the environment. Specifically, ten drums and three totes containing used oil were open. Base Penalty \$5,000 Separation Base Penalty \$6,000 Separation Base Penalty \$6,000 Separation Base Penalty \$6,000 Separation Base Penalty \$6,000 Separation Base Penalty \$1,500 \$750 Separation Base Penalty \$1,500 \$150 Base Penalty \$1,500 \$1,500 Base Penalty \$1,500 \$1,500 Base Penalty \$1,500 \$150 Base Penalty \$1,500 \$1,500 Base Penalty \$1,500 \$1,500 Base Penalty \$1,500 \$1,500 Base Penalty \$1,500 \$1,500 Base Penalty \$			****
Violation Description market, recycle, process, use, discharge, or dispose or justed oil in any manner that endangers the public health or welfare of the environment. Specifically, ten drums and three totes containing used oil were open. Base Penalty	Rule Cite(s)	30 Tex. Admin. Code § 324.4(1)	
Violation Description market, recycle, process, use, discharge, or dispose or justed oil in any manner that endangers the public health or welfare of the environment. Specifically, ten drums and three totes containing used oil were open. Base Penalty			
>> Environmental, Property and Human Health Matrix Harm	Violation Description	market, recycle, process, use, discharge, or dispose of used oil in any manner that endangers the public health or welfare of the environment. Specifically, ten drums	
Name		Base Penalty	\$5,000
Release Major Moderate Minor Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Major Moderate Minor Percent 0.0%	>> Environmental, Proper	ty and Human Health Matrix	
Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$4,250 \$750	Pologo		
Potential x Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Percent 0.0% Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$4,250 \$750 Violation Events Number of Violation Events 2 57 Number of violation days weekly mank only one with an x environmental receptors as a result of the violation days Violation Base Penalty \$1,500 Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. Good Faith Efforts to Comply 10.0% Reduction 5150 Extraordinary 0rdinary 10.0% Nov to EDROPSettement Offer 20.10 investigation to the January 10.2014, after the NOE dated January 10, 2014. Violation Subtotal 51,350 Economic Benefit (EB) for this violation 511 Violation Final Penalty Total 51,350	100000000000000000000000000000000000000	riajoi rioderace riiroi	
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment		X Percent 15.0%	
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment			
Matrix Notes	er fill fill fill fill fill for the contract of the contract o	Major Moderate Minor	
Notes that are protective of human health or environmental receptors as a result of the violation. Adjustment			
Notes that are protective of human health or environmental receptors as a result of the violation. Adjustment			=1
Violation Events Number of Violation Events Number of Violation Events Number of Violation Events Adally weekly monthly weekly monthly x violation Base Penalty \$1,500 Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,350	Matrix Human health	or the environment will or could be exposed to pollutants which would exceed levels	5
Violation Events Number of Violation Events Violation Events	Notes that are p	otective of human health or environmental receptors as a result of the violation.	
Violation Events Number of Violation Events Violation Events	<u> </u>		
Number of Violation Events Number of Violation Events 2		Adjustment \$4,250	0
Number of Violation Events Number of Violation Events 2			\$750
Number of Violation Events 2 57 Number of violation days daily			
Mark only one with an x Weekly monthly X	Violation Events		
Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. \$150 Good Faith Efforts to Comply 10.0% Reduction Extraordinary Ordinary N/A Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Estimated EB Amount \$1 Violation Final Penalty Total \$1,350	Number of \	Violation Events 2 57 Number of violation days	
weekly monthly quarterly semiannual annual single event Two monthly events are recommended from the November 20, 2013 investigation to the January 16, 2014 screening date. Sood Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary X (mark with x) Ordinary X (mark with x) Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Estimated EB Amount \$1 Violation Final Penalty Total \$1,350			
Good Faith Efforts to Comply 10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary		weekly monthly x quarterly Violation Base Penalty semiannual annual	\$1,500
Extraordinary Ordinary N/A Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation \$1,350	Two monthly		
Extraordinary Ordinary N/A Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,350	Good Faith Efforts to Com	the Common Particles	¢150
Ordinary X N/A (mark with x) Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,350	good Latti Chorts to Com		\$150
N/A (mark with x) Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,350		Extraordinary Extraordinary	
Notes The Respondent came into compliance on March 16, 2014, after the NOE dated January 10, 2014. Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,350			
Violation Subtotal \$1,350 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,350		N/A (mark with x)	
Economic Benefit (EB) for this violation Estimated EB Amount \$1 Violation Final Penalty Total \$1,350			
Estimated EB Amount \$1 Violation Final Penalty Total \$1,350		Violation Subtota	\$1,350
Estimated EB Amount \$1 Violation Final Penalty Total \$1,350	Economic Benefit (EB) for	this violation Statutory Limit Test	
This violation Final Assessed Penalty (adjusted for limits) \$1,350	Estimate	G EB AMOUNT \$1 Violation Final Penalty Total	\$1,350
		This violation Final Assessed Penalty (adjusted for limits)	\$1,350

	E	conomic	Benefit	Wo	rksheet		
Case ID No.	48384	INC. dba Souther	n Enterprises o	f Envir	ocare		याच्याच्याच्याच्याच्याच्याच्याच्याच्याच्
Reg, Ent. Reference No. Media						Percent Interest	Years of
Violation No.	3					reitent mierest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs Other (as needed)	\$65	20-Nov-2013		0.00	\$0 \$1	n/a n/a	\$0 \$1
Notes for DELAYED costs	Estimat				\$5.00 per containe Il date is the comp	er). The date requir liance date.	ed is the
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ıg item (except f	or one-time avoic	led costs)
Disposal			77.10	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		1		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1	_	0.00	\$0 l	\$0	\$0
Notes for AVOIDED costs							
	L	المنا المناف المناف المنافع والمسامية والمسامية والمسامة والمسامة والمسامة والمسامة والمسامة والمسامة والمسامة					

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CEQ Compliance History Report

PENDING Compliance History Report for CN600382857, RN102918315, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN600382857, ENVIROCARE, INC.

Classification: UNCLASSIFIED

Rating: -----

Rating Date: 09/01/2014

or Owner/Operator: Regulated Entity:

RN102918315, Southern Enterprises of

Classification: UNCLASSIFIED

Rating Year: 2014

Rating: ----

Complexity Points:

CH Group:

Repeat Violator: NO

14 - Other

Envirocare

Location:

1551 OLD MOODY ROAD EDDY, TX 76524-3209, MCLENNAN COUNTY

TCEQ Region:

REGION 09 - WACO

ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 86350

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000022830

Compliance History Period: September 01, 2009 to August 31, 2014

Date Compliance History Report Prepared: September 26, 2014 Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 26, 2009 to September 26, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mike Pace

Phone: (817) 588-5933

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

YES

3) If **YES** for #2, who is the current owner/operator?

Envirocare, Inc. OWNER OPERATOR since 5/2/2011 Vivian Leatherberry Smith Trustee OWNER OPERATOR since 1/5/2000

4) If YES for #2, who was/were the prior owner(s)/operator(s)? Crubaugh, OWNER OPERATOR, 1/1/1800 to 5/1/2011

5) If **YES**, when did the change(s) in owner or operator occur? 5/2/2011

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1

May 01, 2014

(1144751)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

Notice of Intent Date:

09/26/2013 (1122311)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
ENVIROCARE, INC. DBA	§	TEXAS COMMISSION ON
SOUTHERN ENTERPRISES OF	§	
ENVIROCARE	§	
RN102918315	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2014-0372-MLM-E

I. JURISDICTION AND STIPULATIONS

On _________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ENVIROCARE, INC. dba Southern Enterprises of Envirocare ("Respondent") under the authority of Tex. Health & Safety Code chs. 361 and 371 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a paint recycling facility at 1551 Old Moody Road in Eddy, McLennan County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial solid waste as defined in Tex. Health & Safety Code ch. 361 and the management of used oil as defined in Tex. Health & Safety Code ch. 371.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 15, 2014.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seventy Thousand Two Hundred Seventy-Five Dollars (\$70,275) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is able to pay the administrative penalty. The Respondent has paid One Thousand Five Hundred Eighty-Five Dollars (\$1,585) of the administrative penalty and Fourteen Thousand Fifty-Five Dollars (\$14,055) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Fifty-Four Thousand Six Hundred Thrity-Five Dollars (\$54,635) of the administrative penalty shall be payable in 35 monthly payments of One Thousand Five Hundred Sixty-One Dollars (\$1,561) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Labeled all used oil containers with the words "Used Oil" on March 16, 2014;
 - b. Conducted cleanup of the oil-contaminated area, removed all contaminated materials from the Facility and disposed of them at an authorized facility on March 16, 2014;
 - c. Properly closed the used oil containers on March 16, 2014;
 - d. Properly closed paint waste containers on March 16, 2014;
 - e. Began containing the paint related waste in structurally sound containers on March 16, 2014;
 - f. Labeled the paint waste containers with the words "Universal Waste-Paint and Paint-Related Wastes" on March 16, 2014;

- g. Provided adequate space for the unobstructed movement of personnel and emergency response equipment on March 16, 2014; and
- h. Cleaned up the discharge inside and outside of the waste accumulation area, collected soil samples and submitted analytical results which indicated that the concentrations of metals and volatiles were below the Toxic Characteristic Leaching Procedure regulatory limits on July 29, 2014.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to label used oil containers clearly with the words "Used Oil", in violation of 30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations ("CFR") § 279.22(c)(1), as documented during an investigation conducted on November 20, 2013. Specifically, three totes and ten drums containing used oil were not labeled.
- 2. Failed to perform response action upon detection of a release of used oil, in violation of 30 Tex. Admin. Code § 324.15, Tex. Health & Safety Code § 371.041 and 40 CFR § 279.22(d), as documented during an investigation conducted on November 20, 2013. Specifically, used oil was discharged on the shop floor from three totes.
- 3. Failed to comply with prohibition requirements to collect, transport, store, burn, market, recycle, process, use, discharge, or dispose of used oil in any manner that endangers the public health or welfare of the environment, in violation of 30 Tex. Admin. Code § 324.4(1), as documented during an investigation conducted on November 20, 2013. Specifically, ten drums and three totes containing used oil were open.
- 4. Failed to keep containers holding paint or paint-related waste closed, except when adding or removing waste, in violation of 30 Tex. ADMIN. CODE § 335.262(c)(2)(A) and 40 CFR § 265.173(a), as documented during an investigation conducted on November 20, 2013. Specifically, 20 drums containing paint waste were open.
- 5. Failed to properly contain paint or paint-related waste in a container that is structurally sound, compatible with the waste, and that lacks evidence of leakage, spillage, or damage, in violation of 30 Tex. ADMIN. CODE § 335.262(c)(2)(B), as documented during

an investigation conducted on November 20, 2013. Specifically, ten containers were cut open and used as trays to hold waste.

- 6. Failed to label universal waste containers with the words "Universal Waste-Paint and Paint-Related Wastes", in violation of 30 Tex. ADMIN CODE § 335.262(c)(2)(F) and 40 CFR § 273.14, as documented during an investigation conducted on November 20, 2013. Specifically, three drums containing paint waste were not labeled.
- 7. Failed to maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment, in violation of 30 Tex. Admin Code §§ 335.69(a)(4)(A) and 335.112(a)(2) and 40 CFR § 264.35, as documented during an investigation conducted on November 20, 2013. Specifically, adequate aisle space was not provided to allow unobstructed inspection of containerized waste.
- 8. Failed to obtain a hazardous waste storage permit prior to storing hazardous waste at the Facility, in violation of 30 Tex. ADMIN. Code § 335.2(b), as documented during an investigation conducted on November 20, 2013. Specifically, the Respondent had been storing and processing hazardous waste without a permit.
- 9. Failed to prevent the unauthorized discharge of industrial solid waste at the Facility, in violation of 30 Tex. ADMIN. CODE § 335.4(3), as documented during an investigation conducted on November 20, 2013. Specifically, the investigator noted a discharge inside the Facility's waste accumulation area and outside on the ground.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ENVIROCARE, INC. dba Southern Enterprises of Envirocare, Docket No. 2014-0372-IHW-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, cease storing hazardous waste at the Facility until proper authorization is obtained;
- b. Within 30 days after the effective date of the Agreed Order:
 - i. Remove all hazardous waste stored at the Facility and dispose of it at an authorized facility; or
 - ii. Submit an administratively complete permit application in order to authorize storing hazardous waste at the Facility, in accordance with 30 Tex. Admin. Code § 335.2 to:

Texas Commission on Environmental Quality Attention: Waste Permits Division, MC 126 P.O. Box 13087 Austin, Texas 78711-3087

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
- d. Within 180 days after the effective date of this Agreed Order, submit written certification that authorization to store hazardous waste has been obtained or that storage of hazardous waste has ceased until such time that appropriate authorization is obtained. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 ENVIROCARE, INC. dba Southern Enterprises of Envirocare DOCKET NO. 2014-0372-MLM-E Page 6

with a copy to:

Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

ENVIROCARE, INC. dba Southern Enterprises of Envirocare DOCKET NO. 2014-0372-MLM-E Page 7

8. Pursuant to 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	5/26/16 Date
I, the undersigned, have read and understand the agree to the attached Agreed Order on behalf of do agree to the terms and conditions specified the accepting payment for the penalty amount, is made	the entity indicated below my signature, and I erein. I further acknowledge that the TCEQ, in
additional penalties, and/or attorney fees,Increased penalties in any future enforcen	may result in: s submitted; eneral's Office for contempt, injunctive relief, or to a collection agency; nent actions; ral's Office of any future enforcement actions; y law.
Viera S. Williams Signature	August 25, 2015 Date
Vivian S. Williams Name (Printed or typed) Authorized Representative of ENVIROCARE, INC. dba Southern Enterprises of Envirocare	President

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.